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Testimony in Opposition to HB 4822

First do no harm. That is the precept of medicine and should be the principle of this committee. If you have not worked with reading disabled children, you may not appreciate the difficulty of this problem. Reading is not speech. It is a complex skill. Some take to it readily. Some do not. It requires a maturation of muscle/motor development and appropriate brain development. Decades old studies confirm that, while you can teach a 4 year old to read, within one year, that 4 year old will be at the same reading level as a 7 year-old who has just recently been taught to read PHONETICALLY. Some children take much longer and then "take off". Some well-instructed, mature adults will forever struggle with reading. (Many that I know personally are highly successful and have interesting stories of "school persecution".)

John Hattie, in his recent book, Science of How We Learn, states: **"We put students in ability groups, they get scores on high stakes tests that help label them, and then we place them in Academic Intervention Services (AIS) which adds to their fixed mindset. Once students enter into AIS or Special Education, very few leave."** This, I fear will be the result of the good intentions behind HB 4822. Because there is a correlation between 3rd grade reading proficiency and future success, your committee (and others) make the assumption that the relationship is causal. In my readings, I can find no proof that this is true.

As a former High School English teacher, as a volunteer reading tutor, and as a citizen mentor of students harmed by an education system that insists on forcing "square pegs into round holes", I testify today to say that the arbitrary mandate of third grade reading proficiency is an unearned punishment for nine-year-olds.

Although anecdotes are no more valid than specious data relationships, I will share one with you: Ours is a large, extended family of avid readers. However, a strain of reading disability occurs in an occasional child. One of my granddaughters struggled with this and spent her early school years embarrassed and discouraged. Fortunately, she attended a low resource, private religious school that did not have the "performance" pressures of a public school and she also, of course, had the support of an intact family support system. Without intervention, but with lots of encouragement and patience, today she is in her second year of college and maintaining an A- average while simultaneously juggling the demands as co-captain of her highly competitive intercollegiate sports team. My grandson's reading

disability is identical. He attended an over-funded "progressive" public school. He was counseled, tested, evaluated and given an EEG brain scan. He was given an IEP certificate and regularly removed from classes for "special" instruction. Because his father was a believer in the "cookie cutter" approach HB 4822 promotes, we could not get him removed from school until the middle of his junior year. He, of course, passed his GED exams in a short period of time and with very little effort. He is rebuilding his self-esteem and is now on his way to recovery from his well-intended, school induced PTSD! If he follows the same trajectory I have witnessed with similarly harmed students, it will be 3 to 4 years before he successfully rebuilds his life. I have seen this travesty done to our children many times over. Students who are reading challenged often have normal and above normal intelligence, but our obsession with reading proficiency leaves them convinced that they do not.

Retaining students at a young age, based on impersonal cut scores, keeps them from progressing in subjects where they are not challenged and causes them to believe they are less capable than they actually are. My amazing granddaughter still refers to herself as "not very smart". In my experience and observation, the very students your legislation is hoping to help – those that do not have a strong family support system – will be the ones most harmed by HB 4822.

While passing a law may feel serious and caring, there is too much developmental diversity in young children to be "fixed" from Lansing. Trust, instead, to the judgment and professionalism of our teachers and schools. They are the ones on the battlefield. They are there by choice because they know children are unique individuals - and because they care.

FIRST DO NO HARM. DO NOT PASS HB 4822.

Attached for your information is analysis of a recently released study on Florida's 3rd grade retention policy that began in 2003. Also attached is an opinion article by Dr. Gary Thompson, clinical child psychologist: "Primum Non Nocere".

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How test-based retention affects student outcomes

[Amber M. Northern, Ph.D.](#)

September 23, 2015

Since 2003, Florida has required that schools retain third graders who fail to demonstrate proficiency on the state reading test. A new study by Martin West and colleagues examines the impact of this policy by rigorously comparing the results from students who are just above or below the cutoff for retention. The first cohort to be affected by the new policy entered the third grade in 2002, and West et al. track it through high school graduation. They also track five additional cohorts, the last of which entered third grade in 2008.

Unsurprisingly, they find that the policy increased the number of third graders retained. It started with 4,800 kids in the year prior to the policy introduction (2002) and jumped to nearly twenty-two thousand the next year. The numbers retained have fallen steadily over time, however, as more students have cleared the hurdle. The study's key finding is that third-grade retention substantially improves students' reading and math achievement in the short run. Specifically, reading achievement improves for retained students by 23 percent of a standard deviation after one year—and by as much as 47 percent of a standard deviation after two years—when compared to students of the same age. In math, it's 30 percent of a standard deviation after one year and 36 percent after three years.

Unfortunately, these achievement bumps are short-lived. The effects of third-grade retention on reading achievement are reduced in the third and fourth years and become statistically insignificant in years five and six. In math, the effects are statistically insignificant after six years.

The authors also examined results for students in the same grade versus the same age. The impacts are also positive and manage to persist through middle school, though with the caveat that these estimates also capture the effects of being a year older and receiving another year of schooling.

Finally, they find that retention reduces the probability that students at the cutoff will repeat another grade in the future, although it has no impact on the probability of graduating from high school.

The study uncovers a great deal about retention, but in the end, the practice produces a mixed bag of results—at least in the relatively short term. The authors acknowledge that we still don't know enough about retention's long-term benefits. And based on some rigorous studies (particularly in early childhood) that retention boosted downstream metrics like college enrollment and future earnings, it's a safe bet to assume West and company will be back in Florida in due course.

SOURCE: Guido Schwerdt, Martin R. West, and Marcus A. Winters, "[The Effects of Test-Based Retention on Student Outcomes Over Time: Regression Discontinuity Evidence from Florida](#)," National Bureau of Economic Research, Working Paper 21509 (August 2015).

Primum Non Nocere: Dr. Gary Thompson on USDOE Final Rule for Special Education

Sep 4, 2015 by [What Is Common Core](#)



Primum non nocere in Latin means “first, do no harm.” One of the elemental precepts of ethics, taught across disciplines and throughout the world, this ancient principle holds that given an existing problem, it may be better not to do something, or to do nothing, than to risk causing more harm than good. It reminds the doctor, the psychologist and the educator that he or she must consider possible damage that any intervention might do and to invoke *Primum non nocere* when considering use of any intervention that carries a less- than-certain chance of benefit.

As objective, local clinical community scientists, we at Early Life Child Psychology and Education Center have had no previous interest or involvement in education public policy or in politics. Our involvement now stems from observations as professionals, is founded on ethics, and must increase as we see that as a consequence of changes in education policy, many children’s lives are being fractured.

We are not a special interest group: within the walls of our Education Psychology Clinic are professionals from diverse cultural, political, ethnic and religious backgrounds, united under one cause: the ethical and safe practice of administering psychological assessment, therapy, and educational interventions to “divergent learning” children who reside in our respective communities in Southern California, and Salt Lake City, Utah. We are African Americans, Caucasians, Latinos, Asians, progressives, tea party activists, socialists, LGBT, traditionally married and single parents, agnostics and conservative Christians.

The harmony we share as a diverse group of clinicians-educators, dedicated to serving the needs of children, has not been duplicated by the diverse group of political and corporate public policy makers who have been entrusted with decision-making power. We here note: that agenda-laden political and corporate partnerships, entrusted with power, have made life-altering decisions regarding education policies for children in public schools, placing their interests above the direct needs of children, resulting in ground-level chaos we have heretofore never seen.

This paper is written not only because of our professional observations of increased numbers of suffering public school children whom our clinic serves; it is also written in response to recent public policy changes, initiated by U.S. Department of Education Secretary Arne Duncan under the 2015 reauthorization of No Child Left Behind, regarding assessment practices and states’ loss of authority over the education of our nation’s “special education” children. Those new policies and the cited research, upon which they claim to be based, are herein examined.

Under the light and concept of ethics, using ethical application of peer-reviewed science toward the subject matter of testing and mental health, this paper examines the influence of each on education policies. It will be clear to objective readers that Secretary Duncan’s policies do not share the ethical professionals’

commitment to the standards set by the American Psychological Association's (APA) Code of Ethics. The US Department of Education's interpretation of cited "studies" used to justify policy changes have been dangerously manipulated and are utilized to achieve political goals at the expense of millions of public school children.

We strongly encourage politicians, policy makers, and state education leaders to examine education policies under the light and scope of ethics, as opposed to catering to the requests of corporate and political special interests. Failure to do so will result in harm to our nation's vulnerable divergent learning children, including African American, Latino, autistic, gifted, mentally ill, poverty-stricken, and "learning disabled" children.

Parents, not governments, are and must always be the resident experts of their own children. May readers be endowed with discernment and wisdom as they ponder the effects of policy in the service of children.

Source: *Primum Non Nocere: Dr. Gary Thompson on USDOE Final Rule for Special Education!*

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